

Translation

PATENT COOPERATION TREATY

PCT/DE2003/002700



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ACDPA5207PWO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002700	International filing date (day/month/year) 07 August 2003 (07.08.2003)	Priority date (day/month/year) 16 August 2002 (16.08.2002)
International Patent Classification (IPC) or national classification and IPC G07F 11/62		
Applicant DEUTSCHE POST AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 10 March 2004 (10.03.2004)	Date of completion of this report 05 October 2004 (05.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/DE2003/002700

I. Basis of the report

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/002700

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages 1, 1a _____, filed with the letter of 05 August 2004 (05.08.2004)
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-7 _____, filed with the letter of 05 August 2004 (05.08.2004)
- ☒ the drawings:
 pages 1/3 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/DE 03/02700

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

1. The international preliminary examination is pursued on the basis of the new patent claims and the amended introductory part of the description.

The amendments do not go beyond the disclosure of the original application and are therefore admissible (PCT Article 34(2)(b)).

2. The following documents are also consulted with regard to the assessment of inventive step:

D1: DE19939744 A1

D2: EP0535707 A2

3. The argument put forward in the applicant's reply of 2 August 2004 to the opinion of 5 April 2004 is also taken into consideration.

4. Claims 1-6

- 4.1 PCT Article 33(2), Novelty

The applicant's argument concerning the novelty of the subject matter of the current claim 1 is

convincing. Neither document D1 nor document D2 discloses a central data processing unit that transmits loading information (offer identification codes) to a plurality of vending machines (at the same time),

with offer-related data being collected in a central data processing unit (see, in particular, claim 75 and column 11, line 44 to column 12, line 18); when the offered items correspond, identical offer identification codes (goods identifiers) are assigned and the offer identification codes are transmitted to a plurality of electronic vending machines, whereupon storage compartments provided for the distribution of goods are filled with goods, the offer identification codes assigned to the goods being detected (by goods identification device 340).

The subject matter of claim 1 and of claims 2 to 6, which are dependent thereon, is thus novel (PCT Article 33(2)).

4.2 PCT Article 33(3), Inventive step

4.2.1 Independent claim 1

The subject matter of claim 1 is based on the technical concept of controlling one or more vending machines by means of a central data processing unit, with data relating to a business activity being converted into control commands for the vending machine(s), transmitted thereto and being used in the machines to modify the operating parameters (operating functions). In addition, "offer identification codes" are detected when filling the

goods distribution systems.

As already stated in the opinion of 6 April 2004, document D1 discloses a method for operating a goods storage and delivery system for all manner of goods, and renders obvious the subject matter of the application, the system in D1 also clearly being controlled using variable operating parameters (see, in particular, column 14, line 13 to column 15, line 32). This method makes it possible to use the stated device both as a storage facility and as a vending machine.

The known method also includes in one variant the possibility of controlling a plurality of storage facilities by means of a central data processing unit (see column 12, lines 20 to 40). It differs, however, in that the operating parameters transmitted by the central data processing unit contain only biometric identifiers, and not sales times, prices, offer contents, or offers according to user groups.

The objective problem of interest was therefore to develop the known method to achieve a more flexible configuration of the operating parameters to be transmitted from the central unit.

A person skilled in the art familiar with the subject matter of D1 would recognise this problem and would propose using as a basis for the functional operating parameters known *per se* a combination of any desired information (that is essential for organising the distribution), as known, for example, from D2 (see, e.g., D2,

claim 1). This solution requires simply a change in the corresponding software module and does not involve an inventive step.

The subject matter of the current claim 1 is therefore not inventive (PCT Article 33(3)).

4.2.2 Dependent claims 2-6

Claims 2 to 6, which are dependent on claim 1, also fail to contain any additional features which, taken individually or in combination, would yield subject matter that would meet the requirements of PCT Article 33(1) with respect to inventive step.

The applicant is referred to the opinion of 5 April 2004.

In addition, claim 5 does not contain any additional technical features which could contribute to solving a technical problem.

The use in the postal service mentioned in claim 6 is suggested by the prior art in D1 (see the citation in column 2, lines 10 to 28) and is therefore also non-inventive. No technical problem is solved that goes beyond the prior art in an inventive way and nor are there any prejudices to be overcome which would have previously prevented such a use.

5 Claim 7

The current claim 7 concerns a vending machine for carrying out the method according to the current

claim 1 and has the features known from claim 1.

The assessment of the current claim 1 also applies to claim 7: the subject matter of the current claim 7 is not inventive (PCT Article 33(3)).

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